

***City Council
Legal Review Committee
Meeting Agenda***

**March 19, 2019
City Hall, Spruce Room
749 Main Street
6:00 PM**

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of Minutes February 21, 2019
- V. Public Comments on Items Not on the Agenda
- VI. Discussion/Direction – Process for Annual Evaluations of Appointed Officials
- VII. Discussion Items for Next Meeting April 5
 - Process for Annual Evaluations of Appointed Officials
 - Process/Procedures for Consideration of Complaints Against Employees Appointed Directly by the City Council
- VIII. Adjourn

***City Council
Legal Review Committee
Meeting Minutes***

**February 21, 2019
749 Main Street
5:00 PM**

Call to Order – Councilmember Leh called the meeting to order at 8:30 am.

Roll Call: The following members were present:

***Committee Members: Chris Leh, City Council
Sue Loo, City Council
Bob Muckle, Mayor (arrived 8:37)***

***Staff Present: Meredyth Muth, City Clerk
Heather Balser, City Manager
Kathleen Kelly, City Attorney
Nick Cotton-Baez, City Attorney
Nathan Mosley, Director of Parks, Recreation, and
Open Space
Ember Brignull, Open Space Manager
Dean Johnson, Parks Superintendent***

APPROVAL OF AGENDA

The agenda was approved as presented.

APPROVAL OF JANUARY 15, 2019 MINUTES

Approved as presented.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None

**DISCUSSION/DIRECTION – PROCESS/PROCEDURES FOR
CONSIDERATION OF COMPLAINTS AGAINST EMPLOYEES APPOINTED
DIRECTLY BY THE CITY COUNCIL**

Councilmember Leh stated there have been some complaints about those staff members directly appointed by council and there is no process to handle those.

We ought to have a more formal way or framework for what to do in these situations.

City Attorney Kelly stated there is a benefit in having a formal process so that no one council member is in a position to act on something alone.

City Manager Balser stated it would be useful to have a person file something in writing if they have a formal complaint.

Councilmember Leh stated it does give persons a place to file complaints about how they were treated or discriminated against and it gives the councilmember a process to specify.

City Attorney Kelly stated there are specific findings set out in the Charter that must be met to remove the judge; that is not the case with the Prosecutor, City Manager, or City Attorney. The process will need to recognize that difference.

Cotton-Baez stated it also minimizes errors or miscommunication if the complaint is put in writing.

Councilmember Loo asked who would handle the investigation. City Manager Balser stated it could be modeled on the ethics process with an advisory judge.

Councilmember Leh stated not everything requires an investigation but some do need a formal investigation from an external attorney or judge.

City Manager Balser stated Boulder and Ft. Collins have a reciprocal agreement to review each other's complaints. She noted due process also needs to be followed. Councilmember Leh asked to whom the report goes in the end. Staff can get more information on how that works.

Councilmember Leh wants to know how the process is initiated, who it goes to, what kind of investigation/review there is, what is sent back, is it formal findings, is the report in writing, etc. Is it public information or not. Does the entity asking for the inquiry retain outside help? He noted some require more investigation while some are more an attorney grievance process. It needs to be determined if these are just squabbles between courtroom personnel or are they more serious. However, it should be as simple as can be.

Cotton-Baez suggested another City Attorney looking into it may be best so other judges and prosecutors aren't investigating each other; they might be reluctant to act in that capacity.

Councilmember Loo stated we don't want to complicate the complaint process with the evaluation process.

Councilmember Leh stated as there is a current complaint, Council should expedite that while also recognizing we don't have a formal process yet but we can complete a reasonable process that ensures both sides are heard.

Members discussed how to authorize a review of the current complaint and what is needed to meet all aspects of the law and due process. Any investigation would be consistent with proper notice.

Councilmember Leh stated we are likely two-three months out from having formal processes in place for the evaluations or complaints. We need to address the current complaint as best we can. He thinks a brief investigation with findings is what is needed. That would be a reasonable resolution.

City Attorney Kelly suggested using Marni Nathan a local attorney who could investigate. A contract could be put on the next Council agenda.

City Manager Balser noted we would need to have something in writing from the complainant and also would need formal direction from Council.

Mayor Muckle could request a written complaint and if we receive one the Council could have an executive session.

Members decided on a quick process for this complaint:

- Ask for a written complaint; to be submitted to a Councilmember in a reasonable time period
- Complaint given to the City Attorney's office
- The complaint will be given to the investigator who will determine if an investigation is warranted or if the complaint should be considered as a part of evaluation process
- If an investigation is warranted Council will notify the appointee about the complaint

Mayor Muckle left the meeting at 9:30 am.

DISCUSSION/DIRECTION – DRAFT ORDINANCE AMENDING PARKS AND OPEN SPACE REGULATIONS

Mosley stated this was a continuation from September. Staff is looking for answers today specifically to the smoking ban including parking lots and the leash length.

Councilmember Loo noted the sections on Parks and Open Space are now supposed to be parallel as much as possible. Cotton-Baez stated they should flow the same way and have similar prohibitions.

Members reviewed the draft ordinance specifically addressing:

- No motorized activity sections should be clear that ebikes are allowed.
- Commercial uses should clarify that activities that are permitted are allowed.
- Recreational activity restrictions should clarify if roller skiing is allowed or not.
- The bodies of water section should be clear what types of boats are allowed and which are not allowed
- The language should be inclusive when using his/her
- Should check to see if there is a first amendment concern with calling out advertisements from other language in the banning of flyers.
- The service animal definition needs to include any other applicable laws.

Members decided to use the 10-foot leash length and include parking lots and sidewalks in parks in the smoking ban.

The final draft will be presented to Council for first reading later in the year.

DISCUSSION ITEMS FOR NEXT MEETING MARCH 19, 6:00 PM

- **ANNUAL EVALUATIONS OF APPOINTED OFFICIALS**

Add to that agenda, continued discussion of complainant process for appointed officials.

ADJOURN

The meeting was adjourned at 10:25 pm

SUBJECT: PROCESS FOR ANNUAL EVALUATIONS OF APPOINTED OFFICIALS

DATE: MARCH 19, 2019

PRESENTED BY: MEREDYTH MUTH, CITY CLERK

SUMMARY:

Attached are updated draft evaluation forms for the City Attorney, Water Attorney, Prosecuting Attorney, and Municipal Judge. These incorporate feedback from the January 15th Committee meeting. Staff seeks direction on these processes and forms.

The attached set of forms includes the following for each of the four appointed positions as well as an updated Rating Scale form.

- Draft process and questions, new clean version
- Draft process and questions, redlined from last meeting
- Draft self-evaluation form

Once the Committee has finalized a proposal on the evaluation processes, this will go to the full City Council for review and approval. The Committee will then have to complete evaluations in 2019 prior to making recommendations regarding 2020 appointments for the positions.

FISCAL IMPACT:

None at this time.

RECOMMENDATION:

Discussion

ATTACHMENT(S):

1. Updated draft evaluation forms
2. [Link to October 30 Legal Review Committee Packet](#)
3. [Link to January 15 Legal Review Committee Packet](#)

City Attorney

City Attorney Biennial Evaluation

- I. *Members of the City Council will each complete an evaluation form. Evaluation forms will be anonymous and kept confidential through the process, however the final rating is public record.*

Possible questions.

1. Does the City Council feel it is getting value for its legal fees?
2. Does the City Attorney provide honest recommendations given all legal issues and ramifications?
3. Does the City Attorney possess an efficient and effective knowledge of the Municipal Code and City Charter?
4. Does the City Attorney possess an efficient and effective knowledge of government regulations and case law regarding issues facing the City?
5. Does the City Attorney proactively identify potential issues to avoid future problems?
6. Is the City Attorney's approach effective in achieving the best possible legal outcomes for the City?
7. Does the City Attorney represent the City in a professional and ethical manner?
8. Is the City Attorney impartial and objective in her duties and responsibilities?
9. Does the City Attorney communicate effectively with the City Council and staff?
10. Are the City Attorney's communications complete and understandable, and do they answer Council's questions?
11. Does the City Attorney maintain effective and open communications with the City Council?
12. Comments: Is there anything else you would like to share: _____

- II. *Staff will complete an evaluation form. This will include the City Manager, all department directors, and a sampling of others who work closely with the City Attorney's Office. Evaluation forms will be anonymous and kept confidential through the process, however the final rating is public record.*

Possible questions. Questions refer to all staff of Kelly, PC, not only Kathleen Kelly.

1. Does the City Attorney prepare ordinances, resolutions, and contracts accurately and consistent with the direction from City Council, City Manager, directors?
2. Does the City Attorney maintain good working relationships with staff?
3. Are regular legal activities achieved within a sufficient timeframe?

4. Are standard forms developed and used where possible to minimize the preparation of legal documentation?
5. Do invoices accurately identify tasks and expenses in sufficient detail to provide accountability and cost control?
6. Is requested legal work completed in a timely manner within established time frames; is the City Attorney accessible when needed; does the City Attorney follow-up on requests? Are the City Attorney's communications complete and understandable, and do they answers staff's questions?
7. Does the City Attorney maintain effective and open communications with the City Manager and staff?
8. Please indicate what you believe the City Attorney's weaknesses are.
9. Please indicate what you believe the City Attorney's strengths are. _____
10. Comments: Is there anything else you would like to share: _____

III. Committee members will review all survey forms, KPIs, and budget information and make a recommendation regarding reappointment to City Council.

City Attorney Biennial Evaluation

- I. *Members of the City Council will each complete an evaluation form. Evaluation forms will be anonymous and kept confidential through the process, however the final rating is public record.*

Possible questions.

- ~~1. Does the City Council feel it is getting value for its legal fees?~~
- ~~1. Does the City Attorney provide information and advice to Council which facilitates the decision-making process?~~
- ~~2. Has the legal advice provided by the City Attorney proven to be accurate and technically correct?~~
- ~~3-2.~~ Does the City Attorney provide honest recommendations given all legal issues and ramifications?
- ~~4-3.~~ Does the City Attorney possess an efficient and effective knowledge of the Municipal Code and City Charter?
- ~~5-4.~~ Does the City Attorney possess an efficient and effective knowledge of government regulations and case law regarding issues facing the City?
- ~~6. Does the City Attorney regularly provide the scope of legal expertise necessary to meet the City's needs either from herself or within her firm?~~
- ~~7-5.~~ Does the City Attorney proactively identify potential issues to avoid future problems?
- ~~8. Is the City Attorney able to maintain the City Council's and staff's confidence while informing them of the different legal risks that proposed actions might generate?~~
- ~~9-6.~~ Is the City Attorney's approach effective in achieving the best possible legal outcomes for the City?
- ~~10-7.~~ Does the City Attorney represent the City in a professional and ethical manner?
- ~~11-8.~~ Is the City Attorney impartial and objective in her duties and responsibilities?
- ~~12. Does the City Attorney accurately interpret and clarify City Council and City Manager direction?~~
- ~~13-9.~~ Does the City Attorney communicate effectively with the City Council and staff?
- ~~14. Does the City Attorney maintain confidentiality regarding all matters discussed with the Council?~~
- ~~15-10.~~ Are the City Attorney's communications complete and understandable, and do they answer Council's questions?
- ~~16-11.~~ Does the City Attorney maintain effective and open communications with the City Council?
- ~~17. Does the City Attorney recognize and respect the Council's role in City policy; she does not allow personal views concerning policy to interfere with Council policy.~~

12. Comments: Is there anything else you would like to share:

- II. *Staff will complete an evaluation form. This will include the City Manager, all department directors, and a sampling of others who work closely with the City Attorney's Office. Evaluation forms will be anonymous and kept confidential through the process, however the final rating is public record.*

Possible questions. Questions refer to all staff of Kelly, PC, not only Kathleen Kelly.

1. Does the City Attorney prepare ordinances, resolutions, and contracts accurately and consistent with the direction from City Council, City Manager, directors?
2. Does the City Attorney maintain good working relationships with staff?
3. Are regular legal activities achieved within a sufficient timeframe?
4. Are standard forms developed and used where possible to minimize the preparation of legal documentation?
5. Do invoices accurately identify tasks and expenses in sufficient detail to provide accountability and cost control?
- ~~6.~~ Is requested legal work completed in a timely manner within established time frames; ? is the City Attorney accessible when needed; does the City Attorney follow-up on requests?
- ~~7.~~ Is the City Attorney accessible when needed to respond to requests?
- ~~8.~~ Does the City Attorney follow-up effectively to requests?
- ~~9.~~ Does the City Attorney accurately interpret and clarify City Council and City Manager direction
- ~~10.6.~~ Are the City Attorney's communications complete and understandable, and do they answers staff's questions?
- ~~11.7.~~ Does the City Attorney maintain effective and open communications with the City Manager and staff?
- ~~12.8.~~ Please indicate what you believe the City Attorney's weaknesses are. _____
- ~~13.~~ Please indicate what you believe the City Attorney's strengths are. _____
- ~~14.9.~~ Comments: Is there anything else you would like to share: _____

- III. *Committee members will review all survey forms, KPIs, and budget information and make a recommendation regarding reappointment to City Council.*

City Attorney Self-Evaluation

1. What do you see as the most important role of the City Attorney?
2. What goals have you set for yourself? Detail progress in accomplishing these goals.
3. What accomplishments have you had this year?
4. What obstacles or setbacks did you encounter during the year and how did you handle them?
5. What do you see as any potential legal problems facing the City over the next year and how will you address them?
6. What suggestions do you have for improving the communication and relationship generally between you and the Council?
7. What do you see as your major goals for this next evaluation period?
8. What can the City Council do to help you accomplish these goals?
9. What suggestions do you have for improving the effectiveness between you and the Council?
10. Do you have specific training needs, which the Council can facilitate, and how will those needs help you in meeting your goals?
11. Are there any other issues or comments you wish to share?

City Attorney's Signature

Date

Water Attorney

Water Attorney Biennial Evaluation

- I. *Staff will complete an evaluation form. This will include the Director of Public Works and Water Resources Engineer who work closely with the City Attorney's Office. Evaluation forms will be anonymous and kept confidential through the process, however the final rating is public record.*

Possible questions.

1. Does the City Attorney maintain good working relationships with staff?
2. Are regular legal activities achieved within a sufficient timeframe?
3. Are standard forms developed and used where possible to minimize the preparation of legal documentation?
4. Do invoices accurately identify tasks and expenses in sufficient detail to provide accountability and cost control?
5. Is requested legal work completed in a timely manner within established time frames; is the Water Attorney accessible when needed; does the Water Attorney follow-up on requests?
6. Is the Water Attorney accessible when needed to respond to requests?
7. Does the Water Attorney follow-up effectively to requests?
8. Does the Water Attorney accurately interpret and clarify City Council and City Manager direction
9. Are the Water Attorney's communications complete and understandable, and do they answers staff's questions?
10. Does the Water Attorney maintain effective and open communications with staff?
11. Please indicate what you believe the Water Attorney's weaknesses are.

12. Please indicate what you believe the Water Attorney's strengths are.

- II. *Committee members will review all survey forms, KPIs, and budget information and make a recommendation regarding reappointment to City Council.*

Water Attorney Biennial Evaluation

~~I. Members of the Utility Committee will each complete an evaluation form. Evaluation forms will be anonymous and kept confidential through the process, however the final rating is public record.~~

~~Possible questions.~~

- ~~1. Does the Water Attorney provide information and advice to Council which facilitates the decision-making process?~~
- ~~2. Has the legal advice provided by the Water Attorney proven to be accurate and technically correct?~~
- ~~3. Does the Water Attorney provide honest recommendations given all legal issues and ramifications?~~
- ~~4. Does the Water Attorney possess an efficient and effective knowledge of the Colorado water law?~~
- ~~5. Does the Water Attorney regularly provide the scope of legal expertise necessary to meet the City's needs either from himself or within his firm?~~
- ~~6. Does the Water Attorney proactively identify potential issues to avoid future problems?~~
- ~~7. Is the Water Attorney able to maintain the City Council's and staff's confidence while informing them of the different legal risks that proposed actions might generate?~~
- ~~8. Is the Water Attorney's approach effective in achieving the best possible legal outcomes for the City?~~
- ~~9. Does the Water Attorney represent the City in a professional and ethical manner?~~
- ~~10. Does the Water Attorney communicate effectively with the City Council and staff?~~
- ~~11. Does the Water Attorney maintain confidentiality regarding all matters discussed with the Council?~~
- ~~12. Are the Water Attorney's communications complete and understandable, and do they answers Council's questions?~~
- ~~13. Does the Water Attorney recognize and respect the Council's role in City policy; he does not allow personal views concerning policy to interfere with Council policy.~~

~~II. Staff will complete an evaluation form. This will include the Director of Public Works and Water Resources Engineer who work closely with the City Attorney's Office. Evaluation forms will be anonymous and kept confidential through the process, however the final rating is public record.~~

~~Possible questions.~~

- ~~1. Does the City Attorney maintain good working relationships with staff?~~

2. Are regular legal activities achieved within a sufficient timeframe?
3. Are standard forms developed and used where possible to minimize the preparation of legal documentation?
4. Do invoices accurately identify tasks and expenses in sufficient detail to provide accountability and cost control?
5. Is requested legal work completed in a timely manner within established time frames; is the Water Attorney accessible when needed; does the Water Attorney follow-up on requests?
6. Is the Water Attorney accessible when needed to respond to requests?
7. Does the Water Attorney follow-up effectively to requests?
8. Does the Water Attorney accurately interpret and clarify City Council and City Manager direction
9. Are the Water Attorney's communications complete and understandable, and do they answers staff's questions?
10. Does the Water Attorney maintain effective and open communications with staff?
11. Please indicate what you believe the Water Attorney's weaknesses are.

12. Please indicate what you believe the Water Attorney's strengths are.

III. *Committee members will review all survey forms, KPIs, and budget information and make a recommendation regarding reappointment to City Council.*

Water Attorney Self-Evaluation

1. What do you see as the most important role of the Water Attorney?
2. What goals have you set for yourself? Detail progress in accomplishing these goals.
3. What accomplishments have you had this year?
4. What obstacles or setbacks did you encounter during the year and how did you handle them?
5. What do you see as any potential legal problems facing the City over the next year and how will you address them?
6. What suggestions do you have for improving the communication and relationship generally between you and the Council?
7. What do you see as your major goals for this next evaluation period?
8. What can the City Council do to help you accomplish these goals?
9. What suggestions do you have for improving the effectiveness between you and the Council?
10. Do you have specific training needs, which the Council can facilitate, and how will those needs help you in meeting your goals?
11. Are there any other issues or comments you wish to share?

City Attorney's Signature

Date

Prosecuting Attorney

Prosecuting Attorney Biennial Evaluation

- I. Members of the Legal Review Committee will visit and observe Court at least once and complete an evaluation form. Evaluation forms will be anonymous and kept confidential through the process, however the final rating is public record.*

Possible questions.

1. The Prosecutor takes time to consider relevant facts and based decisions on those facts and statements presented
2. The Prosecutor makes sure participants understand what is going on in the courtroom
3. The Prosecutor treats all parties with dignity and respect
4. The Prosecutor was prepared for each case on the docket
5. Parties are given the opportunity to speak and be heard, and are treated with respect.
6. The Prosecutor treats all parties equally regardless of race, sex, age, ethnicity, social status, or economic status and all other categories protected by law.

- I. Court staff and Municipal Judge will complete an evaluation form. Evaluation forms will be anonymous and kept confidential through the process, however the final rating is public record.*

Possible questions:

1. The Prosecutor takes time to consider relevant facts and based decisions on those facts and statements presented
2. The Prosecutor makes sure participants understand what is going on in the courtroom
3. The Prosecutor treats all parties with dignity and respect
4. The Prosecutor was prepared for each case on the docket
5. Parties are given the opportunity to speak and be heard, and are treated with respect.
6. The Prosecutor treats all parties equally regardless of race, sex, age, ethnicity, social status, or economic status.
7. The Prosecutor communicates well with the judge and court staff.
8. The Prosecutor's communications are clear, concise, and accurate.
9. The Prosecutor is prompt in making submitting her offers.
10. Parties are made to feel they have been heard in the process
11. The Prosecutor has good working relationships with staff.
12. Please indicate what you believe the Prosecutor's weaknesses are. _____
13. Please indicate what you believe the Prosecutor's strengths are. _____
14. Comments: Is there anything else you would like to share:

- II. Department directors who work with the Prosecutor will complete an evaluation form. Evaluation forms will be anonymous and kept confidential through the process, however the final rating is public record.*

Possible questions:

1. The Prosecutor fully reviews and understands all citations before deciding to proceed or dismiss.
2. The Prosecutor treats all types of infractions equally (code enforcement, traffic, sales tax) and gives them proper review
3. The Prosecutor gives clear feedback to police officers or staff if she dismisses a citation.
4. The Prosecutor gives feedback on enforceability on new ordinances.
5. The Prosecutor works well with police officers and staff members to advance tickets through the court process.
6. The Prosecutor treats staff and police officers with respect.
7. Comments: Is there anything else you would like to share: _____

- III. Customer surveys are given to all customers at Court. Those that are turned in are recorded and copies will be given to the Committee members.*

- IV. Committee members will review all information and make a recommendation regarding reappointment to City Council.*

Prosecuting Attorney Biennial Evaluation

- I. Members of the Legal Review Committee will visit and observe Court at least once and complete an evaluation form. Evaluation forms will be anonymous and kept confidential through the process, however the final rating is public record.*

Possible questions.

1. The Prosecutor takes time to consider relevant facts and based decisions on those facts and statements presented
2. The Prosecutor makes sure participants understand what is going on in the courtroom
3. The Prosecutor treats all parties with dignity and respect
4. The Prosecutor was prepared for each case on the docket
5. Parties are given the opportunity to speak and be heard, and are treated with respect.
6. The Prosecutor treats all parties equally regardless of race, sex, age, ethnicity, social status, or economic status and all other categories protected by law.-

- I. Court staff and Municipal Judge will complete an evaluation form. Evaluation forms will be anonymous and kept confidential through the process, however the final rating is public record.*

Possible questions:

1. The Prosecutor takes time to consider relevant facts and based decisions on those facts and statements presented
2. The Prosecutor makes sure participants understand what is going on in the courtroom
3. The Prosecutor treats all parties with dignity and respect
4. The Prosecutor was prepared for each case on the docket
5. Parties are given the opportunity to speak and be heard, and are treated with respect.
6. The Prosecutor treats all parties equally regardless of race, sex, age, ethnicity, social status, or economic status.
7. The Prosecutor communicates well with the judge and court staff.
8. The Prosecutor's communications are clear, concise, and accurate.
9. The Prosecutor is prompt in making submitting her offers.
10. Parties are made to feel they have been heard in the process
- 9-11. The Prosecutor has good working relationships with staff.
- 10-12. Please indicate what you believe the Prosecutor's weaknesses are.
13. Please indicate what you believe the Prosecutor's strengths are. _____

11.14. Comments: Is there anything else you would like to share:

II. Department directors who work with the Prosecutor will complete an evaluation form. Evaluation forms will be anonymous and kept confidential through the process, however the final rating is public record.

Possible questions:

1. The Prosecutor fully reviews and understands all citations before deciding to proceed or dismiss.
2. The Prosecutor treats all types of infractions equally (code enforcement, traffic, sales tax) and gives them proper review
3. The Prosecutor gives clear feedback to police officers or staff if she dismisses a citation.
4. The Prosecutor gives feedback on enforceability on new ordinances.
5. The Prosecutor works well with police officers and staff members to advance tickets through the court process.
6. The Prosecutor treats staff and police officers with respect.
7. Comments: Is there anything else you would like to share:

III. Customer surveys are given to all customers at Court. Those that are turned in are recorded and copies will be given to the Committee members.

IV. Committee members will review all information and make a recommendation regarding reappointment to City Council.

Self-Evaluation Questionnaire for Prosecuting Attorney

Please complete the following questionnaire based on your perception about your job performance during the past year. Please answer Does Not Apply (“DNA”) for any items which do not pertain to your court assignment or activities during the past year.

Section 1. Legal Ability

	Strongly Agree	Agree	Disagree	Strongly Disagree	DNA
a. I am confident in my legal reasoning ability.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b. I am confident in my knowledge of substantive law in the areas in which I prosecute cases.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. I am confident in my knowledge of rules of procedure and evidence.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. I keep current with developments in substantive law and state and local rules of procedure and evidence.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section 2 Integrity and Impartiality

	Strongly Agree	Agree	Disagree	Strongly Disagree	DNA
a. I avoid impropriety and the appearance of impropriety.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b. I treat all people with dignity and respect	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. I act fairly by giving people individual consideration.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. I consider both sides of an argument before rendering a decision.					
e. I refrain from inappropriate <i>ex parte</i> communication.					
f. I base decisions on the law and facts without regard to the identity of the parties or counsel					

- g. I act without favor or disfavor toward anyone, including but not limited to favor or disfavor based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status.
- h. I recuse myself when necessary.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section 4 Professionalism and Temperament

	Strongly Agree	Agree	Disagree	Strongly Disagree	DNA
a. I act in a dignified manner in performing my duties, both in and out of court.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b. I am courteous with all people.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. I am attentive to proceedings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. I act with patience and self-control throughout the day.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. I have appropriate levels of empathy with the parties involved in proceeding.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Section 5 Administrative Capacity

	Strongly Agree	Agree	Disagree	Strongly Disagree	DNA
a. I am punctual and prepared for court.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b. I make offers in a prompt, timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. I act to ensure disabilities and linguistic and cultural differences do not limit access to the justice system.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

Please provide any additional comments, clarifications, or details related to either the items raised in this questionnaire in the space below. You may use the back of this page or add additional pages if needed.

Municipal Judge

Municipal Judge Biennial Evaluation

- I. *Members of the Legal Review Committee will visit and observe Court at least once and complete an evaluation form. Evaluation forms will be anonymous and kept confidential through the process, however the final rating is public record.*

Possible questions.

1. Courtroom management: The Judge maintains appropriate courtroom control and makes adequate rulings based on the law.
2. Knowledge: The Judge takes time to consider relevant facts and based decisions on those facts and statements presented
3. Communication: The Judge makes sure participants understand what is going on in the courtroom
4. Temperament: Parties are treated with dignity and respect and the Judge was able to maintain a neutral attitude during court proceedings
5. Diligence: Cases are processed in an efficient manner and the Judge was prepared for each case on the docket
6. Parties are given the opportunity to speak and be heard, and were treated with respect.
7. The Judge displays a sense of basic fairness and justice.
8. The Judge treats all parties equally regardless of race, sex, age, ethnicity, social status, or economic status, and all other categories protected by law.

- II. *Court staff and Prosecuting Attorney will complete an evaluation form. Evaluation forms will be anonymous and kept confidential through the process, however the final rating is public record.*

Possible questions.

1. Courtroom management: The Judge maintains appropriate courtroom control and made adequate rulings based on the law.
2. Knowledge: The Judge takes time to consider relevant facts and based decisions on those facts and statements presented
3. Communication: The Judge makes sure participants understand what is going on in the courtroom
4. Temperament: Parties are treated with dignity and respect and the Judge was able to maintain a neutral attitude during court proceedings
5. Diligence: Cases are processed in an efficient manner and the Judge was prepared for each case on their docket
6. Parties are made to feel comfortable with the process and leave feeling they have been heard.
7. Parties are given the opportunity to speak and be heard, and were treated with respect.

8. The Judge has good working relationships with staff.
9. The Judge shows consistency in Court proceedings.
10. The Judge communicates well with the prosecutor and court staff regarding court management.
11. The Judge's communications are clear, concise, and accurate.
12. The Judge is prompt in making and rendering decisions.
13. The Judge keeps current on local, state, and federal laws affecting the court.
14. What is going well in the Court: _____
15. What is not going well in the Court: _____.
16. Please indicate what you believe the Judge's weaknesses are. _____
17. Please indicate what you believe the Judge's strengths are. _____
18. Comments: Is there anything else you would like to share: _____

III. Customer surveys are given to all customers at Court. Those that are turned in are recorded and copies will be given to the Committee members.

IV. Committee members will review all information and make a recommendation regarding reappointment to City Council.

Municipal Judge Biennial Evaluation

- I. *Members of the Legal Review Committee will visit and observe Court at least once and complete an evaluation form. Evaluation forms will be anonymous and kept confidential through the process, however the final rating is public record.*

Possible questions.

1. Courtroom management: The Judge maintains appropriate courtroom control and makes adequate rulings based on the law.
2. Knowledge: The Judge takes time to consider relevant facts and based decisions on those facts and statements presented
3. Communication: The Judge makes sure participants understand what is going on in the courtroom
4. ~~Demeanor~~Temperament: Parties are treated with dignity and respect and the Judge was able to maintain a neutral attitude during court proceedings
5. Diligence: Cases are processed in an efficient manner and the Judge was prepared for each case on the docket
6. Parties are given the opportunity to speak and be heard, and were treated with respect.
7. The Judge displays a sense of basic fairness and justice.
8. The Judge treats all parties equally regardless of race, sex, age, ethnicity, social status, or economic status, and all other categories protected by law.

- II. *Court staff and Prosecuting Attorney will complete an evaluation form. Evaluation forms will be anonymous and kept confidential through the process, however the final rating is public record.*

Possible questions.

1. Courtroom management: The Judge maintains appropriate courtroom control and made adequate rulings based on the law.
2. Knowledge: The Judge takes time to consider relevant facts and based decisions on those facts and statements presented
3. Communication: The Judge makes sure participants understand what is going on in the courtroom
4. ~~Demeanor~~Temperament: Parties are treated with dignity and respect and the Judge was able to maintain a neutral attitude during court proceedings
5. Diligence: Cases are processed in an efficient manner and the Judge was prepared for each case on their docket
- 5-6. Parties are made to feel comfortable with the process and leave feeling they have been heard.
7. Parties are given the opportunity to speak and be heard, and were treated with respect.

- ~~6-8.~~ The Judge has good working relationships with staff.
- ~~7-9.~~ The Judge shows consistency in Court proceedings.
- ~~8-10.~~ The Judge communicates well with the prosecutor and court staff regarding court management.
- ~~9-11.~~ The Judge's communications are clear, concise, and accurate.
- ~~10-12.~~ The Judge is prompt in making and rendering decisions.
- ~~13.~~ The Judge keeps current on local, state, and federal laws affecting the court.
- ~~14.~~ What is going well in the Court: _____
- ~~11-15.~~ What is not going well in the Court: _____
- ~~12-16.~~ Please indicate what you believe the Judge's weaknesses are. _____
- ~~17.~~ Please indicate what you believe the Judge's strengths are. _____
- ~~13-18.~~ Comments: Is there anything else you would like to share: _____

- III. *Customer surveys are given to all customers at Court. Those that are turned in are recorded and copies will be given to the Committee members.*
- IV. *Committee members will review all information and make a recommendation regarding reappointment to City Council.*

Self-Evaluation Questionnaire for Municipal Court Judge

Please complete the following questionnaire based on your perception about your job performance during the past year. Please answer Does Not Apply (“DNA”) for any items which do not pertain to your court assignment or activities during the past year.

Section 1. Legal Ability

	Strongly Agree	Agree	Disagree	Strongly Disagree	DNA
a. I am confident in my legal reasoning ability.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b. I am confident in my knowledge of substantive law in the areas in which I hear cases.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. I am confident in my knowledge of rules of procedure and evidence.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. I keep current with developments in substantive law and state and local rules of procedure and evidence.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section 2 Integrity and Impartiality

	Strongly Agree	Agree	Disagree	Strongly Disagree	DNA
a. I avoid impropriety and the appearance of impropriety.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b. I treat all people with dignity and respect	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c. I am willing to make and have made difficult or unpopular decisions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. I act fairly by giving people individual consideration.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. I consider both sides of an argument before rendering a decision.					
f. I appear and act neutrally on the bench.					
g. I refrain from inappropriate <i>ex parte</i> communication.					

h.	I base decisions on the law and facts without regard to the identity of the parties or counsel.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
i.	I keep an open mind and consider all relevant evidence in making rulings, reserving a final decision until the parties have made final arguments.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j.	I act without favor or disfavor toward anyone, including but not limited to favor or disfavor based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k.	I recuse myself when necessary.					

Section 4 Professionalism and Temperament

		Strongly Agree	Agree	Disagree	Strongly Disagree	DNA
a.	I act in a dignified manner in performing my duties, both on and off the bench.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b.	I am courteous with all people.					
c.	I am attentive to proceedings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	I act with patience and self-control throughout the day.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	I have appropriate levels of empathy with the parties involved in proceeding.					

Section 5 Administrative Capacity

		Strongly Agree	Agree	Disagree	Strongly Disagree	DNA
a.	I am punctual and prepared for court.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b.	I maintain control over the courtroom.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	I appropriately enforce court rules, orders, and deadlines.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	I make decisions and rulings in a prompt, timely manner.					
e.	I act to ensure disabilities and linguistic and cultural differences do not limit access to the justice system.					

Comments

Please provide any additional comments, clarifications, or details related to either the items raised in this questionnaire in the space below. You may use the back of this page or add additional pages if needed.

DRAFT

Rating Scale

Evaluation Rating Scale

1. **UNSATISFACTORY** - Performance falls substantially short of job requirements.
2. **MARGINAL** - Performance does not meet an acceptable level in some areas. Improvement is needed.
3. **FULLY SATISFACTORY** - Has performed at a fully satisfactory level, meets the requirements of the job in all respects, and occasionally exceeds job performance standards.
4. **DISTINCTIVE PERFORMANCE** - Performance is significantly better than average. Performance consistently exceeds standards.
5. **OUTSTANDING** - Exceptional performance of unusually high caliber. Remarkable achievement and pacesetting performance.

N/O represents “no opinion” or “no observation” of performance.

DNK represents “do not know.”